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7 Attorneys for Defendant Fresh 'N Healthy, Inc.  
 (Specially Appearing)

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**UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

11 ASA FARMS, INC., a California )  
 12 corporation and BRAGA RANCH, ) Case No. C08-00122 PVT  
 13 Plaintiff(s). )  
 14 v. )  
 15 FRESH 'N HEALTHY, INC., a Delaware )  
 16 corporation, MARK WILLIAMS, an )  
 individual; JACK PARSON, an individual; )  
 17 STEVEN CINELLI, an individual; CHAD )  
 HAGEN, an individual, SANTOS )  
 18 MARTINEZ, an individual; DON BEAM, )  
 an individual; DARRYL NICHOLSON, an )  
 individual; RICHARD MAY, an individual; )  
 19 THOMAS COLOGNA, an individual; )  
 PRESTWICK PARTNERS, LLC, a )  
 California limited liability company; )  
 20 SOLSTICE VENTURE PARTNERS, LLC, )  
 a business entity form unknown; )  
 21 VFINANCE INVESTMENTS, a business )  
 entity form unknown; FMP VINEYARD, )  
 22 LLC, a New Mexico limited liability )  
 company; BUTTONWOOD OPTION, LLC, )  
 23 a business entity form unknown; DW, LLC, )  
 a business entity form unknown; M )  
 24 SOLAZZO TRUST 2002; P. SOLAZZO )  
 1998; GIBBONS FAMILY TRUST; )  
 25 BIXLER TRUST; STEIGERWALD TRUST )  
 and CARTER TRUST, and DOES 1 through )  
 26 50, inclusive, )  
 27 Defendant(s). )  
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## **CERTIFICATE OF SERVICE**

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) SS.

I am a citizen of the United States and employed in Santa Clara County. I am over the age of eighteen years and not a party to the above-entitled action; my business address is 19400 Stevens Creek Boulevard, Suite 200, Cupertino, CA 95014-2548.

On March 5, 2008, at my place of business, I served a true and correct copy of the following document(s):

1. DEFENDANT'S RESPONSE TO OBJECTION TO STIPULATION TO MODIFY PRELIMINARY INJUNCTION; AND
2. DECLARATION OF RUSSELL K. BURBANK IN SUPPORT OF DEFENDANT'S RESPONSE TO OBJECTION TO STIPULATION TO MODIFY PRELIMINARY INJUNCTION;

in the manner indicated below:

By mail by enclosing said document(s) in an envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid, addressed as follows:

Kelly McCarthy Sutherland  
Kenneth Gorman  
James Washburn Sullivan  
Lombardo & Gilles, LLP  
318 Cayuga Street  
Salinas, CA 93901

Effie F. Anastassiou  
Anastassiou & Associates  
242 Capitol Street  
PO Box 2210  
Salinas, CA 93902

Robert E. Izmirian  
Buchalter Nemer  
333 Market St., 25<sup>th</sup> Floor  
San Francisco, CA 94105

San Francisco, CA 94103

By facsimile transmission sending a true copy of the said document(s) to the person(s) indicated below to the following receiving station(s):

By overnight delivery depositing the said document(s) in a sealed overnight delivery envelope, designated for overnight delivery, with all delivery charges prepaid, with an authorized representative addressed as follows:

By hand delivery personally delivering or arranged to have personally delivered the said document(s) to the person(s) indicated below in a manner provided by law, by leaving the said document(s) at the office(s) or usual place(s) of business, during usual business hours, of the said person(s) with a clerk or other person who was apparently in charge thereof and at least 18 years of age, who was informed of the contents (as indicated):

1  By e-mail transmission sending a true copy of the said document(s) to the person(s) indicated  
2 below:

3 This Certificate was executed on March 5, 2008 at Cupertino, Santa Clara County,  
4 California. I declare under penalty of perjury that the foregoing is true and correct.

5 */s/ Priscilla Teague*

6 Priscilla Teague

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